

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 29 APR 2005

PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/DK2005/000017

International filing date (day/month/year)  
13.01.2005

Priority date (day/month/year)  
13.01.2004

International Patent Classification (IPC) or both national classification and IPC  
E04F21/00, F16M7/00, E06B1/60

Applicant  
ITools APS

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	2-4,6-14,16-18
	No: Claims	1,1a,5,15
Inventive step (IS)	Yes: Claims	2-4,7-14,18
	No: Claims	1,1a,5,6,15-17
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

1.1 US-A-4858865 discloses with reference to fig.1 a distance piece comprising first and second parts (1,2) having inner surfaces (14,15) facing towards each other, and outer surfaces (23,24) forming part of an outer surface of the distance piece, the parts being movable relative to each other between a contracted position with a shorter distance between the outer surfaces and an extended position with a larger distance between the outer surfaces; a separation part (3) located between the first and second parts, and being movable between a first position relative to the first and second parts wherein the separation part forces the first and second parts towards the expanded relative position and a second position relative to the first and second parts wherein the first and second parts are allowed to move to the contracted relative position; and locking means (threaded nut 9') for hindering movement of the separation part from the first position to the second position relative to the first and second parts, i.e. a distance piece reading on the combination of features in the preamble of claim 1.

1.2 The contribution of claim 1 to the above prior art hence appears to consist in that the locking means comprises at least one configuration in which it permits movement of the separation part from the second position to the first position relative to the first and second parts.

1.3 The locking nut 9' would however also provide, when partially unscrewed from the threaded bolt 7, for a configuration permitting movement of the separation part 3 from a second position to a first position relative to the first and second parts 1,2. The document hence deprives claim 1 of novelty, Article 33(2) PCT.

2.1 In view of the repetitive numbering of claims 2, the first listed claim 2 is considered renumbered as claim 1a. The nut (9') in the prior art can also be termed as locking means or lock, whereby claim 1a is also anticipated. The features introduced by claim 5 - cf. elastically deformable connection members 19,20 - and by claim 15 - cf. wedge members 1-3 - are also known from the same prior art.

2.2 Dependent claim 6, respectively claim 16 and 17 are not development of the locking means concept underlying claim 1 and are considered for the purpose of the present

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AUTHORITY (SEPARATE SHEET)**

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opinion as design features linked to the inherent benefits thereof, thus not appearing to support an inventive step, Article 33(3) PCT.

3.1 Claims 2 (second listed) and 3-5, respectively claims 7-14 and 18 are directed at two developments of the locking means concept underlying claim 1, which developments are not fairly derivable from the state of the art rendered available, and which therefore support an inventive step. It is however objected that the concept of locking means implies mutually cooperating surfaces, this not being achieved by the means introduced by claim 2, Article 6 PCT.

3.2 Notwithstanding what precedes, the respective developments introduced by claims 2 and 7 do not appear linked such as to form a single general inventive concept, Rule 13.1 PCT.